

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:)	
)	
JAMES TROY CLARK)	Case No. 11-36743-KLP
)	Chapter 7
Debtor)	

NOTICE OF MOTION AND NOTICE OF HEARING

The Debtor, James Troy Clark, by Counsel, has simultaneously with the filing of this Notice filed with the Court the attached Motion to Vacate the Order of Dismissal previously entered by the Court in this case (the "Motion").

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). Under Local Bankruptcy Rule 9013-1, unless a written response to the Motion which was previously served on you is filed with the Clerk of Court and served on the moving party within seven (7) days before the scheduled hearing date, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the relief requested.

PLEASE TAKE FURTHER NOTICE that a hearing has been set on the Motion before The Honorable Keith L. Phillips, on June 25, 2014 at 12:00 Noon in Courtroom 5100, 701 East Broad Street, Richmond, Virginia 23219. If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your views on the Motion, then on or before 7 days before the hearing date you or your attorney must:

File with the Court, at the address shown below, a written response with supporting memorandum pursuant to Local Bankruptcy Rule 9013-1. You must mail or otherwise file it early enough so the Court will receive it on or before the due date identified herein.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street
Richmond, VA 23219-1888

You must also serve a copy on:

Robert B. Easterling, VSB #15552
2217 Princess Anne Street, Suite 100-2
Fredericksburg, VA 22401
(540)373-5030
(540)373-5234 Fax
eastlaw@easterlinglaw.com
Counsel for Debtor

Robert B. Easterling, Esquire
Counsel for Debtor
2217 Princess Anne Street, Suite 100-2
Fredericksburg, Virginia 22401

Office of the United States Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219-1849

If you or your attorney do not take these steps, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief without further notice or hearing.

MOTION TO VACATE DISMISSAL

COMES NOW the Debtor, James Troy Clark, by Counsel, and moves the Court under Rule 9024 Fed R Bankr P (Rule 60(b) FR Civ P) to vacate the dismissal order entered in this matter on May 29, 2014 and in support thereof says as follows:

1. On May 27, 2014 the Debtor had a scheduled telephonic meeting of creditors in this case. The Debtor failed to complete the call at the scheduled time.

2. The United States Trustee certified that the debtor or debtor's counsel had not appeared at the scheduled meeting of creditors. Counsel for the debtor did appear in person for the scheduled meeting of creditors.

3. The Debtor's case had been previously converted from a Chapter 13 case to a Chapter 7 case, and his meeting of creditors had been previously rescheduled in the Chapter 7 case due to an automobile accident experienced by the Debtor on the previously scheduled date. Because of the previously rescheduled meeting of creditors, Debtor's counsel was not able to obtain agreement to a second rescheduled meeting of creditors from the Office of the U.S. Trustee.

4. On May 29, 2014 this Court entered an Order of Dismissal pursuant to Local Rule 2003-1(B).

5. At the time of the scheduled telephonic meeting of creditors, and continuing to the present time, the Debtor was incarcerated in a federal penitentiary in the State of Georgia and, therefore, not able to attend the meeting of creditors in person.

6. The Debtor's telephonic privileges are very limited during his incarceration, and the debtor and the penitentiary failed to complete the required telephonic connections for his scheduled meeting of creditors at the required time.

7. The Debtor desires to reinstate and continue his Chapter 7 bankruptcy case and to perform the duties required of him in that regard, including telephonically attending the meeting of creditors. Due to the entry of the Order of Dismissal, the Debtor understands and believes that his meeting of creditors will need to be rescheduled and requests that the Court permit this to be done.

8. The Debtor has already completed his financial management course and filed his certificate in that regard.

WHEREFORE, the Debtor respectfully moves the Court to vacate its order of dismissal and reinstate his case, permit his meeting of creditors to be rescheduled as a telephonic hearing due to his incarceration, and for such other and further relief as this Court may deem appropriate.

James Troy Clark

By: /s/Robert B. Easterling
Robert B. Easterling
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2014, I served by electronic mail using the ECF filing system, or by first-class mail, postage prepaid, with return address clearly shown, copies of the foregoing Motion to Vacate Dismissal on all creditors and parties in interest as shown on the attached matrix.

/s/Robert B. Easterling
Robert B. Easterling

Judy A. Robbins 11 Office of the U.S. Trustee - Region 4 -R 701 E. Broad Street, Suite 4304 Richmond, VA 23219-1849	Midland Funding LLC by American InfoSource L Attn: Department 1 PO Box 4457 Houston, TX 77210-4457	Midland Funding LLC by American InfoSource L PO Box 4457 Houston, TX 77210-4457
Recovery Management Systems Corporation 25 SE 2nd Ave Ste 1120 Miami, FL 33131-1605	Specialized Loan Servicing LLC 8742 Lucent Blvd Suite 300 HIGHLANDS RANCH, CO 80129-2386	THE BANK OF NEW YORK MELLON 9441 LBJ Freeway, Suite 350 Dallas, TX 75243-4652
The Bank of New York Mellon FKA The Bank of 8742 Lucent Blvd Suite 300 Highlands Ranch, CO 801292386	Bruce H. Matson LeClair Ryan, A Professional Corporation P.O. Box 2499 Richmond, VA 23218-2499	(p)CREDITORS BANKRUPTCY SERVICE 15660 DALLAS PKWY SUITE 300 DALLAS TX 75248-3354
American InfoSource LP as agent for T Mobile/T-Mobile USA Inc PO Box 248848 Oklahoma City, OK 73124-8848	Bank of America Home Loans Svcs LP Attn: Customer Service CA6-919-01-4 P.O. Box 5170 Simi Valley, CA 93062-5170	Bank of New York Mellon c/o ALG Trustee, LLC P.O. Box 2548 Leesburg, VA 20177-7754
Bank of New York Mellon c/o Recontrust Company 2380 Performance Dr TX2-985-07-03 Richardson, TX 75082-4333	Capital One Bank P.O. Box 30285 Salt Lake City, UT 84130-0285	Chase P.O. Box 15298 Wilmington, DE 19850-5298
Chase c/o Equable Ascent Fncl LLC 1120 W Lake Cook Rd #B Buffalo Grove, IL 60089-1970	CitiFinancial Bankruptcy Dept. P.O. Box 6042 Sioux Falls, SD 57117-6042	(p)DELL FINANCIAL SERVICES P O BOX 81577 AUSTIN TX 78708-1577
Dell Financial Services L.L.C. c/o Resurgent Capital Services PO Box 10390 Greenville, SC 29603-0390	Department Stores National Bank/Macys Bankruptcy Processing PO Box 8053 Mason, OH 45040-8053	Equable Ascent Financial, LLC c/o Recovery Management Systems Corp 25 SE 2nd Avenue Suite 1120 Miami FL 33131-1605
FST BK DEL c/o NCA P.O. Box 550 Hutchenson, KS 67504-0550	First Premier Bank P.O. Box 5524 Sioux Falls, SD 57117-5524	GE Capital Retail Bank c/o Recovery Management Systems Corp 25 SE 2nd Ave Suite 1120 Miami FL 33131-1605
GE Money Bank/Walmart Attn: Bankruptcy Dept P.O. Box 103104 Roswell, GA 30076-9104	Granite Recovery LLC c/o Recovery Management Systems Corp 25 SE 2nd Avenue Suite 1120 Miami, FL 33131-1605	(p)INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY OPERATIONS PO BOX 7346 PHILADELPHIA PA 19101-7346
Jefferson Capital Systems LLC PO BOX 7999 SAINT CLOUD MN 56302-7999	Kay Jewelers P.O. Box 3680 Akron, OH 44309-3680	Macy's Bankruptcy Processing P.O. Box 8053 Mason, OH 45040-8053

Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

Midland Funding LLC
by American InfoSource LP as agent
Attn: Department 1
PO Box 4457
Houston, TX 77210-4457

Midland Funding LLC
by American InfoSource LP as agent
PO Box 4457
Houston, TX 77210-4457

Navy Federal Credit Union
P.O. Box 3000
Merrifield, VA 22119-3000

Office of the U.S. Trustee
701 E. Broad Street, Suite 4304
Richmond, VA 23219-1849

Portfolio Investments I LLC
c/o Recovery Management Systems Corp
25 SE 2nd Avenue Suite 1120
Miami FL 33131-1605

Portfolio Investments II LLC
c/o Recovery Management Systems Corporat
25 SE 2nd Avenue Suite 1120
Miami, FL 33131-1605

Premier Bankcard/Charter
P.O. Box 2208
Vacaville, CA 95696-8208

Progressive Halcyon Insurance
7075 Halcyon Park Drive, #200
Montgomery, AL 36117-7763

Progressive Halcyon Insurance
c/o Credit Collection Service
P.O. Box 9134
Needham, MA 02494-9134

Progressive Insurance Co
6300 Wilson Mills Road
Mayfield Village, OH 44143-2182

Progressive Insurance Co
c/o NCO Financial
P.O. Box 15636
Wilmington, DE 19850-5636

Quantum3 Group LLC as agent for
Genesis Financial Solutions INC
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
MOMA Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Recovery Management Systems Corporation
25 S.E. 2nd Avenue, Suite 1120
Miami, FL 33131-1605

Sallie Mae Inc. on behalf of TGSCLC
P.O. Box 83100
Round Rock, TX 78683-3100

Sallie Mae Servicing Corp
P.O. Box 9500
Wilkes-Barre, PA 18773-9500

T-Mobile
2840 Plaza Place, Ste 100
Raleigh, NC 27612-6342

T-Mobile Customer Relations
P.O. Box 37380
Albuquerque, NM 87176-7380

Target
Bankruptcy Department
PO Box 1327
Minneapolis, MN 55440-1327

Target
c/o Midland Credit Management
8875 Aero Drive, Suite 200
San Diego, CA 92123-2255

The Bank of New York Mellon
as Ttee CHldrs of CWABS Inc 2007-1
101 Barclay St-4W
New York, NY 10286-0001

The Bank of New York Mellon, etc.
c/o Bank of America, N.A.
400 National Way
Mail Stop CA6-919-01-23
Simi Valley, CA 93065-6414

The Partnership FCU
P.O. Box 18539
Washington, DC 20036-8539

United States Attorney
Main Street Centre 18th Flr.
600 East Main Street
Richmond, VA 23219-2416

Verizon
500 TECHNOLOGY DRIVE, SUITE 550
SAINT CHARLES, MO 63304-2225

Verizon
Bankruptcy Administration
500 Technology Drive, Suite 550
Saint Charles, MO 63304-2225

James Troy Clark 83592-083
FPC Atlanta
POB 150160
Atlanta, GA 30315